

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

CRP-2 Holdings Tall Oaks, LLC,)	
)	
Plaintiff-Judgment)	
Creditor,)	Case No. 3:11-mc-00093-GCM
)	
vs.)	ORDER FOR FINAL EXECUTION AND
)	PRECLUSION OF EXEMPT PROPERTY
750 Foods, LLC and Eligio Pena,)	
)	
Defendant-Judgment)	
Debtor,)	
)	

THIS MATTER coming on to be heard and being heard before the undersigned Judge of the United States District Court for the Western District of North Carolina upon Judgment Creditor's Motion for an Order of Final Execution in this matter; and

IT APPEARING to the Court that Judgment Debtor has been served with copy of the Judgment together with a copy of the Notice of Right to Have Exemptions Designated and Schedule of Debtors Property and Request to Set Aside Exempt Property and that the Judgment Debtor has failed to file a Schedule of Debtors Property and Request to Set Aside Exempt Property and has failed to request a hearing to set aside exempt property or otherwise respond within the time allowed. The Court, therefore, finds that the Judgment Debtor has had a reasonable opportunity to assert the exemptions provided by law and that the Judgment Debtor's failure to respond should be considered a waiver of his right to have property set aside as exempt from the execution of the Judgment in this case.

IT IS, THEREFORE, ORDERED that Judgment Debtor is precluded from having any of his property set aside as exempt from Judgment in this case.

IT IS FURTHER ORDERED that a final execution be issued by the Clerk of this Court for the collection of the judgment in this case.

Signed: September 13, 2011



Graham C. Mullen
United States District Judge

